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60130-2031; 03MRA0129/0165

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bohm et al.
Serial No.: 10/782,192
Filed: February 19, 2004
Art Unit: 3612
Examiner: Kiran B. Patel
Title: SUNSHADE SYSTEM FOR A MOTOR VEHICLE

M/S After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Appellant submits this Appeal Brief pursuant to the Notice of Appeal filed November 16, 2005. Enclosed is a check for the appeal brief fee. Any additional fees or credits may be charged or applied to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds.

REAL PARTY IN INTEREST

The real party in interest is ArvinMeritor GmbH, assignee of the present invention.

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RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings related to this appeal, or which may directly affect or may be directly affected by, or have a bearing on, the Board's decision in this appeal.

STATUS OF CLAIMS

Claims 1-4, 6-22, and 24-26 remain pending and rejected in the application. The rejections of dependent claims 8 and 9 are appealed.

STATUS OF AMENDMENTS

Applicant submitted an amendment dated October 6, 2005, which has not been entered. In this amendment applicant placed original claim 8 in independent form by amending claim 1 to include the features of claim 8 and the associated intervening claims. The examiner argued that the amendment raised new issues for consideration and did not enter the amendment. All other previous amendments and responses have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

The subject invention relates to a sunshade system for a motor vehicle. Independent claim 1 is directed to a sunshade system 10 for a motor vehicle that includes first and second guide rails 18, and a front crossbar 12 and a rear crossbar 14 that extend between the first and second guide rails 18 and are guided in the first and second guide rails 18. See page

5, lines 15-19. A flexible sunshade 14 is fastened to the front 12 and rear 14 crossbars, wherein the flexible sunshade 14 is guided between the first and second guide rails 18. See page 6, lines 11-13.

At least one of the front 12 crossbar and the rear 14 crossbar is a telescopic member and has first and second laterally protruding guide arms 20 that are received in the at least one of the front cross bar 12 and the rear crossbar 14 for sliding movement therein. See page 5, lines 27-29. The laterally protruding guide arms 20 are received in the guide rails 18. See page 5, lines 29-30.

The laterally protruding guide arms 20 are mechanically coupled to each other and to the at least one of the front 12 crossbar and the rear 14 crossbar so that the at least one of the front 12 crossbar and the rear 14 crossbar is centered in a middle area between the guide rails 18. See Page 5, line 30 through page 6, line 5.

A centering gear 26 centers the respective crossbar in the middle area. The centering gear 26 is rotatably fitted to the respective crossbar and engages the crossbar by tooth racks 24 disposed on the laterally protruding guide arms 20. See Page 5, line 30 through page 6, line 5.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,227,601 to LaFrance in view of US Patent No. 6,776,211 to Schlecht et al.

ARGUMENT

Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,227,601 to LaFrance in view of US Patent No. 6,776,211 to Schlecht et al.

Claim 8

Claim 8 recites that the first and second laterally protruding guide arms are mechanically coupled to each other and to the at least one of the front crossbar and the rear crossbar so that the at least one of the front crossbar and the rear crossbar is centered in a middle area between the first and second guide rails. Neither LaFrance nor Schlecht, either alone or in combination, disclose, suggest, or teach this combination of features.

The examiner argues that LaFrance discloses laterally protruding guide arms 38, 63 that are mechanically coupled to each other and to the front or rear crossbar so that the crossbar is centered in the middle area between the first and second guide rails, referring to Figure 9. Appellant respectfully disagrees with this interpretation of LaFrance.

Figure 9 of LaFrance does not disclose any type of centering mechanism for a cross bar. Figure 9 discloses an embodiment of an intermediate slat assembly “wherein two of such slat assemblies are joined together with a compressible dual axle and wheel assembly, illustrating how a plurality of slat assemblies are combined to form a shield.” See column 3, lines 32-35. Figure 9 “depicts how adjacent slats are connected together with a wheel and dual axle assembly 49, passing through alternating merlon bores of adjacent slats.” See column 7, lines 35-37. There is no presentation or discussion of any type of centering mechanism with regard to Figure 9.

Further, as shown in Figure 10, tubiform axles 38, 63, which the examiner argues corresponds to the claimed guide arms, are rotatably connected to each other by axle pintle 64. There is no disclosure, suggestion, or teaching in LaFrance that any of these components centers a crossbar.

Schlecht also does not disclose centering a cross bar as defined in claim 8. The examiner argues that Schlecht discloses a centering gear 47; however, this mechanism is a drive mechanism, not a centering mechanism. Schlecht discloses a gear motor 47 that is used to unwind webs 15, 16, from rollers 24, 25. The gear motor 47 includes an output gear wheel 51 that is seated on output shaft 49, and which is in engagement with two (2) flex shafts 52, 53. The flex shafts 52, 53 are each comprised of a flexible core 53 with a wire helix 56 fastened on the core to form a drive cable. A first guide tube 57 extends from the gear motor 47 to the lower end of guide rail 43, which extends along one longitudinal side of the rear window 6. A second guide tube 58 connects the gear motor 47 with the guide rail 44 opposite from the first guide rail 43. The flexible shafts 52, 53 extend through the first and second guide tubes 57, 58.

To retract the window shade 13, the gear motor 47 drives the gear wheel 51 and flex shafts 52, 53 such that the flex shafts 52, 53 are pulled out of the guide rails 43, 44 and pushed into storage tubes 59, 61. Thus, the gear motor 47 and gear wheel 51 provide a driving function for moving the window shade. The gear motor 47 does not provide any type of centering function, and in fact is not capable of centering a rear cross bar as defined in claim 8.

The flex shafts 52, 53 are guided by guide tubes 57, 58 for moving the shade along the guide rails 43, 44 in a longitudinal direction. Claim 8 recites a centering mechanism where the

crossbar is centered in a middle area between the first and second guide rails. The centering between the first and second guide rails does not involve movement in a longitudinal direction. Centering between the first and second guide rails involves movement in a direction transverse to the longitudinal direction. Schlecht discloses a driving mechanism for driving shades in a longitudinal direction, and does not disclose any type of centering mechanism for centering a shade between guide rails that moves in a direction other than a longitudinal direction. Thus, neither LaFrance nor Schlecht disclose the features of claim 8.

Further, even if the gear motor 47 could somehow be interpreted as providing a centering function as claimed, there is no motivation or suggestion to modify LaFrance to include the gear motor 47 of Schlecht. The examiner argues that it would be obvious to modify LaFrance to include the flexible shade and drive gear as taught by Schlecht to provide a tight fitting sunshade. However, LaFrance already provides a tight-fitting sunshade. LaFrance provides a rigid shade structure and includes a drive motor for driving this rigid shade structure. Schlecht discloses a stretchable shade and an associated drive motor. The examiner is basically arguing that the entire shade system of LaFrance should be replaced with the shade system of Schlecht.

One of the benefits provided by LaFrance is the use of a strong and tough material such as metal or polycarbonate such that sunshade can act as a theft deterrent. See column 2, lines 31-36. To modify LaFrance to include a flexible shade as taught by Schlecht would clearly defeat the benefits achieved by LaFrance. Such a modification would render LaFrance unsatisfactory for LaFrance's intended purpose and would change the principle of operation of LaFrance. The

examiner's proposed modification cannot render the prior art unsatisfactory for its intended purpose and cannot change the principle of operation of the base reference. See MPEP 2143.01.

Thus, for the many reasons set forth above, appellant respectfully asserts that the rejection of claim 8 based on LaFrance and Schlecht is improper, and requests that the rejection be reversed.

Claim 9

Claim 9 recites a centering gear that centers the at least one of the front crossbar and rear crossbar in the middle area, wherein the centering gear is rotatably fitted to the at least one of the front crossbar and the rear crossbar and engages the at least one of the front crossbar and the rear crossbar by first and second tooth racks disposed on the first and second laterally protruding guide arms, respectively. Neither LaFrance nor Schlecht disclose this combination of features. Further, for the reasons set forth above, there is no motivation or suggestion to modify LaFrance with Schlecht.

The examiner argues that Schlecht discloses a centering gear 47, however, for the reasons set forth above, this gear 47 does not include structure for centering crossbars as claimed. Further, there is no disclosure in either reference of toothed racks that are disposed on laterally protruding guide arms. The tubiform axles 38, 62 of LaFrance (see Figure 10), which the examiner argues corresponds to the claimed laterally protruding guide arms, clearly do not include any type of toothed rack. Further, Schlecht does not disclose the use of a toothed rack on laterally protruding guide arms.

Thus, for the reasons set forth above, appellant respectfully asserts that the rejection of claim 9 based on LaFrance and Schlecht is improper, and requests that the rejection be reversed.

CONCLUSION

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant earnestly requests such an action.

Respectfully submitted,

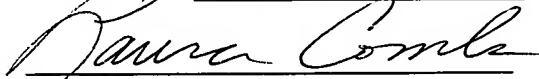
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Dated: 12-29-05

CERTIFICATE OF MAIL

I hereby certify that the enclosed Appeal Brief is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 12-29-05.


Laura Combs

CLAIMS APPENDIX

1. A sunshade system for a motor vehicle, comprising:
 - first and second guide rails;
 - a front crossbar and a rear crossbar that extend between the first and second guide rails and are guided in the first and second guide rails; and
 - a flexible sunshade that is fastened to the front and rear crossbars, wherein the flexible sunshade is guided between the first and second guide rails.
2. The sunshade system as claimed in claim 1, wherein the first and second guide rails extend in an inclined relationship with respect to each other.
3. The sunshade system as claimed in claim 1, wherein the flexible sunshade is elastic at substantially right angles to a shifting direction dictated by the first and second guide rails.
4. The sunshade system as claimed in claim 2, wherein the flexible sunshade is entirely made of an elastic material.
6. The sunshade system as claimed in claim 1, wherein at least one of the front crossbar and the rear crossbar is a telescopic member.

7. The sunshade system as claimed in claim 6, wherein at least one of the front crossbar and the rear crossbar has first and second laterally protruding guide arms that are received in the at least one of the front cross bar and the rear crossbar for sliding movement therein, wherein the first laterally protruding guide arm is received in the first guide rail and the second laterally protruding guide arm is received in the second guide rail.
8. The sunshade system as claimed in claim 7, wherein the first and second laterally protruding guide arms are mechanically coupled to each other and to the at least one of the front crossbar and the rear crossbar so that the at least one of the front crossbar and the rear crossbar is centered in a middle area between the first and second guide rails.
9. The sunshade system as claimed in claim 8, further comprising a centering gear that centers the at least one of the front crossbar and rear crossbar in the middle area, wherein the centering gear is rotatably fitted to the at least one of the front crossbar and the rear crossbar and engages the at least one of the front crossbar and the rear crossbar by first and second tooth racks disposed on the first and second laterally protruding guide arms, respectively.
10. The sunshade system as claimed in claim 1, further comprising first and second sliders fitted in at least one of the front crossbar and rear crossbar and received in the first and second guide rails, respectively, for sliding movement therein.

11. The sunshade system as claimed in claim 1, further comprising a handle that is fitted to the front crossbar to allow manual adjustment of the flexible sunshade.
12. The sunshade system as claimed in claim 1, further comprising a sun visor that is fitted to the front crossbar such that the sun visor can be folded downward.
13. The sunshade system as claimed in claim 1, further comprising a spacer that engages the front and rear crossbars to keep the front and rear crossbars at a constant distance from each other.
14. The sunshade system as claimed in claim 13, wherein the spacer is at least one push-pull cable.
15. The sunshade system as claimed in claim 14, wherein the first guide rail has a first cable disposed therein and the second guide rail has a second cable disposed therein, the first and second cables acting as the spacer, wherein the first and second cables are coupled with each other such that ends of the first and second cables associated with the front and rear crossbars can only be shifted jointly and in parallel.
16. The sunshade system as claimed in claim 15, further comprising a coupling gear that cooperates with the first and second cables.

17. The sunshade system as claimed in claim 16, further comprising a drive motor that engages the coupling gear.
18. The sunshade system as claimed in claim 14, further comprising first and second sliders molded onto the at least one push-pull cable, fitted in at least one of the front crossbar and rear crossbar and received in the first and second guide rails, respectively, for sliding movement therein.
19. The sunshade system as claimed in claim 1, wherein the flexible sunshade is adapted to at least partially cover a windshield of a vehicle.
20. The sunshade system as claimed in claim 19, wherein the first and second guide rails are part of a roof opener system.
21. The sunshade system as claimed in claim 1, further comprising a roller blind that is secured to the rear crossbar.
22. The sunshade system as claimed in claim 21, further comprising a coiling body, wherein the roller blind is wound on the coiling body.

24. The sunshade system as claimed in claim 1, wherein the flexible sunshade is made from a resilient material extending in a longitudinal direction between the front and rear crossbars, the resilient material being resilient at least in a direction transverse to the longitudinal direction.

25. A sunshade system for a motor vehicle, comprising:

first and second guide rails extending in a generally longitudinal direction;
a front crossbar and a rear crossbar that extend laterally between the first and second guide rails and are guided in the first and second guide rails; and
a flexible sunshade that is coupled to the front and rear crossbars, wherein the flexible sunshade is comprised of a material that is resilient in at least a direction transverse to the longitudinal direction.

26. The sunshade system as claimed in claim 25 wherein ends of at least one of the front and rear crossbars include an extendible guide arm and a centering mechanism that cooperates with the extendible guide arms to center the at least one of the front and rear crossbars between the first and second guide rails as the flexible sunshade is movably guided by the first and second guide rails.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None